

THE *Dan Smoot Report*



DAN SMOOT

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RIOT COMMISSION EXONERATES RAP BROWN

On May 12, 1967, Hubert Rap Brown, 23-year-old, Louisiana-born Negro, succeeded Stokely Carmichael as chairman of SNCC (Student Nonviolent Coordinating Committee).

On June 15, 1967, Brown spoke to several hundred Negroes in Dayton, Ohio, saying:

"How can you be nonviolent in America, the most violent country in the world? You better shoot that man to death; that's what he's doing to you."⁽¹⁾

Brown's speech triggered a destructive racial riot. Police filed charges of criminal syndicalism, but said no warrant would be issued against Brown unless he returns to Dayton.⁽²⁾

On July 17, 1967, while the Negro riot in Newark was raging, Rap Brown spoke at a Negro rally in Jersey City. He told his audience that Negroes built Jersey City, and should burn it down.⁽³⁾ After attending a black-power conference in Newark (while that city was still smoking from a Negro riot that had left 27 dead, 1872 injured), Brown went to Cambridge, Maryland, where, on the night of July 24, he spoke to a Negro crowd, saying:

"Look what the brothers did in Plainfield [New Jersey]. They stomped a cop to death. Good. He's dead. They stomped him to death. They threw a shopping basket on his head and took his pistol and shot him and then cut him.

"Detroit exploded, Newark exploded, Harlem exploded. It is time for Cambridge to explode, baby.

"Black folks built America. If America don't come around, we're going to burn America down, brother. We're going to burn it if we don't get our share of it."⁽⁴⁾

Following the speech, 1000 Negroes rioted, firebombed, and pillaged. Fires spread over a two-block area of Cambridge, destroying a dozen buildings, including a public school.⁽¹⁾

Two state warrants were issued. One charged Brown with inciting a riot; the other said he "counseled and procured the burning of Pine Street Elementary School." A federal warrant was issued, charging Brown with unlawful flight from Maryland to avoid prosecution.⁽⁵⁾

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On July 26, federal agents arrested Brown in Alexandria, Virginia, on the federal unlawful-flight charge. He was turned over to Virginia authorities who released him on \$10,000 bond, July 27. The federal charge was dismissed.

Immediately upon release from jail, Brown went to SNCC headquarters in a Negro section of Washington, D. C. On the sidewalk outside the headquarters, he spoke to about 150 of his Negro "soul-brothers," urging them to ignore pleas that they abandon violence, saying:

"I say violence is necessary. Violence is part of America's culture, and is American as cherry pie.

"Honky [the white man] is going to kill you — if not in Vietnam, on the streets of America. We built it up and you know what to do if it don't come around. If Washington don't come around, burn it down."⁽⁶⁾

On August 6, Brown spoke in New York to about 700 cheering, stomping Negroes, telling them they should arm themselves against a "white conspiracy" to exterminate Negroes. He was guarded by Mau Maus carrying machetes.⁽⁷⁾

On August 13, Brown spoke at a black-power meeting in the Watts section of Los Angeles. About 20 white news reporters were present, huddled together near the speaker, surrounded by a crowd of some 5000 Negroes. Brown began by saying he would take up \$5 contributions from the white reporters. He made no threats, but did point out to the whites that they were surrounded. He said:

"After 400 years, it's time for the hunkies to pay their dues to what they owe the blacks."⁽⁸⁾

The white reporters contributed.

In his Watts speech, Brown said Negro violence is good, because it can forestall Negro annihilation by white people. He criticized rioters only because they did not kill enough white people, saying: "There has been too much lootin' during the rebellions and not enough shootin'."⁽⁹⁾

On August 14, 1967, a grand jury in Cambridge, Maryland, indicted Brown for the July 24 incitement to riot and arson; but Maryland

has not yet succeeded in having him returned to that state for trial.

August 16-18, Brown made a round trip by air from New York to Louisiana, allegedly carrying a .30 caliber semi-automatic carbine. On August 18 — a few hours after Brown left New Orleans for the return trip to New York — a federal complaint was filed in New Orleans, charging him with violating the National Firearms Act, which forbids anyone under indictment to transport a firearm in interstate commerce. The offense is punishable by 5 years in jail and a \$20,000 fine.⁽¹⁰⁾

At 2:00 a.m. the next day, August 19, Brown was arrested in New York City. He was unarmed but federal agents later found in his apartment the carbine loaded with a banana clip of 31 bullets.⁽¹⁰⁾

Unable to post \$25,000 bail, Brown was incarcerated in the Federal House of Detention in New York City. The next day, August 20, he issued a press statement from jail, repeating his call for American Negroes to arm themselves against whites.⁽¹⁰⁾

On August 22, Brown went into federal district court in New York, demanding that his bail be reduced to \$15,000.

The court room was jammed with Brown's followers, who interrupted proceedings by shouting "black power," clapping their hands, jostling other spectators. Federal Judge Thomas Murphy twice walked off the bench, when the mob interrupted proceedings.⁽¹¹⁾

Brown's lawyer (William Kunstler) said bail should be reduced because Negroes of America demanded the reduction. "Right!" screamed Brown's followers in the court room. Judge Murphy granted the reduction. Brown's lawyer put up the \$15,000.⁽¹¹⁾

Released from custody, Brown stopped on the front steps of the court house and made a "black-power" speech to a group of his admirers, saying:

"Justice in America is a joke. . . . If Lyndon Johnson thinks I'm going to pay \$25,000 to get out of jail, he's crazy. . . . If he is worried about my rifle, wait until I get my atom bomb."⁽¹¹⁾

On August 25, Judge Murphy granted Brown permission to leave the jurisdiction of the federal district court in New York, to keep speaking engagements in Detroit, Camden, Chicago, and St. Louis. The judge said he saw no point in keeping Brown in New York.⁽¹²⁾

On August 27, Brown spoke to a cheering throng of Negroes on the Detroit West Side, the area most heavily damaged by the Negro riot 5 weeks before. Brown said the U.S. is trying to wipe out the Negro population — through the Vietnam war, birth control, starvation of Negro children in the South, and an unfair system of justice. "Get yourselves some guns," he told the Negro crowd. "The honky is your enemy. The brothers are now calling Detroit *deströit*. You did a good job here."⁽¹³⁾

But he said the Detroit riot would look like a picnic in comparison with what will happen when the Negroes get some guns and "take their due."⁽¹³⁾

Brown's speech touched off a flurry of rock-throwing and other minor violence. No one was arrested.⁽¹³⁾

On August 30, Brown spoke to a crowd of 3000 Negroes in Camden, New Jersey. He had been invited (with the consent of city officials) by the Camden Coalition of Civil Rights Groups. In his speech, Brown said:

"America does not like black people. . . . We are at war. . . . The only way to defend yourselves is to go and get some guns."⁽¹⁴⁾

The speech triggered bottle-throwing and looting by Negroes. Five persons were arrested — but not Rap Brown.⁽¹⁴⁾

In a hearing at New Orleans on September 8, 1967, Brown pleaded innocent to the charges (which had been filed August 18) of violating the National Firearms Act. Federal Judge Lansing Mitchell set bond at \$15,000, restricting Brown's travels to certain places where he was scheduled to speak.⁽¹⁵⁾

Early in September, the Governor of Virginia ordered Brown's extradition to Maryland. Brown fought the extradition order, but was jailed in Virginia, without bond, awaiting the outcome.

Failing to get state courts to release him on bond, he appealed to federal court.

On September 19, Federal Judge Robert Merhige, Jr., in Richmond, released Brown on a \$10,000 bond (supported only by Brown's signature), and put him in the custody of his New York attorney (Kunstler), with the understanding that Brown remain in New York except for travel to court hearings until cases against him were settled.⁽¹⁶⁾

On October 27, 1967, Rap Brown spoke to a gathering of white, new-left leaders in Chicago, telling them what they could do for the black-power movement. He said:

"We don't need missionaries. . . . If you can't give a gun, then give a dollar to somebody who can buy a gun. See, you sit out there and you pretend violence scares you, but . . . violence is part of your culture. . . . You gave us violence, and this is the only value that black people can use to their advantage to end oppression."⁽¹⁷⁾

On February 17 and 18, 1968, Brown spoke at a meeting of the Black Panther Party in Oakland, California, and at a meeting of the Black Congress in Los Angeles. These appearances violated travel restrictions imposed on him by federal court orders. Federal Judge Lansing Mitchell issued a warrant in New Orleans. Brown was arrested in New York on February 20, and was released on his own recognizance to report to the federal judge in New Orleans.⁽¹⁵⁾

On February 21, Brown appeared in New Orleans before Judge Mitchell, who ordered forfeiture of \$5000 of the \$15,000 bond Brown had posted in September — and fixed a new bond at \$50,000. Judge Mitchell prohibited Brown from traveling anywhere outside New York City without the judge's specific permission.⁽¹⁵⁾

During a recess in the hearing on the bond case, Brown allegedly accosted a Negro FBI agent, saying:

"We will get you. . . . If you have any children, we will get them too."⁽¹⁵⁾

Consequently, as soon as the bond case was disposed of, Brown was arrested before leaving Judge Mitchell's court, and brought before the

judge again on charges of threatening and attempting to intimidate an FBI agent. Judge Mitchell imposed another \$50,000 bond. Brown was jailed, saying he would starve himself to death.⁽¹⁷⁾

But on February 22, he was taken to Richmond, Virginia, for another hearing on the matter of his bond.

On February 29, President Johnson's National Advisory Commission on Civil Disorders (Riot Commission) sent Johnson a special 35-page report, discussing Rap Brown and the Cambridge, Maryland, riot for which Brown is under indictment. The Commission exonerated Brown from blame, placing the blame on white city officials, particularly the chief of police. The Commission said:

"To the extent that Negro disorder occurred, it can be interpreted as a response to actions of the city officials. . . . Brown was more a catalyst of white fears than of Negro antagonisms; the disturbance more a product of white expectations than of Negro initiative."⁽¹⁸⁾

The Commission did not deny that the Pine Street Elementary School and about 20 other buildings were fired by Negro arsonists and that 2 full blocks of property in Cambridge were destroyed following Brown's speech. The Commission conceded that Brown's speech was "unequivocally militant, radical and revolutionary." It quoted Brown as telling the Negro crowd "you should burn down that school," but said "there is little evidence that Brown's speech immediately stirred members of the crowd to initiate illegal action."⁽¹⁹⁾

The Commission accused the chief of police of causing the violence, by going on "an emotional binge," when Negro officers at the Brown rally reported that "all hell is about to explode." After getting this report from Negro police at the scene, the chief stationed officers along Race Street to keep the Negro mob from moving into downtown. When Brown and some of the mob did start for the downtown area, police turned them back. Brown was slightly wounded by a ricochet from a shotgun fired by a deputy sheriff. The Commission, relating these incidents, assumed that Brown

and his mob were on a peaceful mission and would have done no harm if police had left them alone. Actions of city officials trying to prevent violence, and not the actions of Rap Brown and other Negroes who committed violence, were really to blame, the Riot Commission concluded. The Commission "surmised" that the Negro police officers, who originally alerted the chief to take precautions, were lying, because they were under pressure from whites to say that the Negro mob was about to cause trouble.⁽¹⁸⁾

The Commission's report exonerating Rap Brown from blame may get for him a dismissal of the Maryland indictment.

Attorney William Kunstler has likened his client, Rap Brown, to such early American patriots as Paul Revere.⁽¹⁹⁾

If Rap rides again in the long hot summer of 1968, the public can thank Johnson's Riot Commission.

FOOTNOTES

- (1) AP article by Kathryn Johnson from Atlanta, Ga., July 27, 1967
- (2) AP dispatch from Dayton, Aug. 16, 1967
- (3) *Newark Evening News*, July 27, 1967, p. 7; *U.S. News & World Report*, Aug. 14, 1967, p. 41
- (4) *Time* magazine, Aug. 4, 1967, p. 17
- (5) AP dispatch from Baltimore, July 26, 1967
- (6) UPI dispatch from Washington, July 28, 1967
- (7) AP article, Aug. 7, 1967
- (8) UPI dispatch from Los Angeles, Aug. 31, 1967
- (9) Article by Ray Rogers, *The Los Angeles Times*, Aug. 14, 1967, Sec. 1, p. 3
- (10) AP dispatch from New York, Aug. 19, 1967; AP dispatch from New York, Aug. 20, 1967; UPI dispatch from New York, Aug. 21, 1967
- (11) AP dispatch from New York, Aug. 23, 1967
- (12) UPI dispatch from New York, Aug. 25, 1967
- (13) UPI dispatch from Detroit, Aug. 28, 1967
- (14) UPI dispatch from Camden, N.J., Aug. 31, 1967
- (15) "Brown Is Held On New Charge," *The (New Orleans) Times-Picayune*, Feb. 22, 1968, Sec. 1, pp. 1, 16
- (16) AP dispatch from Alexandria, Va., Sept. 13, 1967; AP dispatch from Richmond, Va., Sept. 14, 1967; AP dispatch from Richmond, Va., Sept. 16, 1967; morning AP dispatch from Richmond, Va., Sept. 19, 1967; evening AP dispatch from Richmond, Va., Sept. 19, 1967
- (17) *National Guardian*, Nov. 4, 1967, p. 3
- (18) UPI dispatch from Washington, March 5, 1968
- (19) AP dispatch from New York, Aug. 22, 1967

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